

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in The U.S.
DISTRICT COURT at Seattle, Washington.

JANUARY 9, 2003
By Bruce Rifkin, Clerk
[Signature], Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

ABEL NGOZICHUKWU NNABUE, AND
TOBECHI ENYINNAYA ONWUHARA,
Defendants.

NO. **CR03 0011C**

INDICTMENT



CR 03 00011 - 00000014

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Attempted Bank Fraud)

1. Beginning on a date unknown, but in or about December 2002, and continuing until on or about December 12, 2002, within the Western District of Washington, defendants ABEL NGOZICHUKWU NNABUE, and TOBECHI ENYINNAYA ONWUHARA attempted to execute a scheme and artifice to defraud the Washington Mutual Bank, a financial institution as defined in Title 18, United States Code, Section 20, and to obtain money, funds, and credits under the custody and control of that Bank by means of false and fraudulent pretenses and representations.

Methods and Means of the Scheme

2. It was part of the scheme to defraud that defendants ABEL NGOZICHUKWU NNABUE and TOBECHI ENYINNAYA ONWUHARA obtained unauthorized credit cards in names other than their own true names.

16

1 3. It was further part of the scheme to defraud that defendants ABEL
2 NGOZICHUKWU NNABUE and TOBECHI ENYINNAYA ONWUHARA obtained
3 counterfeit driver's licenses and other identification documents in names other than their
4 own true names. The names on the counterfeit driver's licenses matched the names on
5 some of the credit cards described above.

6 4. It was further part of the scheme to defraud that defendants ABEL
7 NGOZICHUKWU NNABUE and TOBECHI ENYINNAYA ONWUHARA drove to the
8 Lynnwood Fred Meyer branch of the Washington Mutual Bank in Lynnwood,
9 Washington, for the purpose of obtaining, without authorization, a cash advance using
10 credit cards described above.

11 5. It was further part of the scheme to defraud that defendant TOBECHI
12 ENYINNAYA ONWUHARA presented two of the unauthorized credit cards and a
13 counterfeit driver's license as identification to employees of the aforementioned Bank,
14 and requested a cash advance using one of the credit cards. Defendant ABEL
15 NGOZICHUKWU NNABUE remained outside of the Bank to serve as the getaway
16 driver.

17 6. It was further part of the scheme to defraud that, after Bank employees
18 refused to provide the cash advance described above, defendants ABEL NGOZICHUKWU
19 NNABUE and TOBECHI ENYINNAYA ONWUHARA fled the Bank in the car driven by
20 defendant ABEL NGOZICHUKWU NNABUE with law enforcement officers in pursuit,
21 and thereafter attempted to elude law enforcement officers.

22 Execution of the Scheme

23 7. On or about December 12, 2002, within the Western District of
24 Washington, for the purpose of executing and attempting to execute the aforementioned
25 scheme and artifice to defraud the Washington Mutual Bank, and to obtain money, funds,
26 and credits under the custody and control of the Bank by means of false and fraudulent
27 pretenses and representations, defendants ABEL NGOZICHUKWU NNABUE and
28 TOBECHI ENYINNAYA ONWUHARA presented, and aided and abetted the

1 presentation of, unauthorized credit cards and a counterfeit Texas driver's license bearing
2 the name of Robert Palmer to the Washington Mutual Bank, and thereby attempted to
3 obtain, without authorization from the true credit card holder, a cash advance in the
4 amount of \$5,000.00.

5 All in violation of Title 18, United States Code, Section 1344 and Section 2.

6 **COUNT TWO**

7 (Conspiracy to Use Unauthorized Credit Card Access Devices)

8 1. Beginning on or about a date unknown, but not later than December 12,
9 2002, within the Western District of Washington, defendants ABEL NGOZICHUKWU
10 NNABUE and TOBECHI ENYINNAYA ONWUHARA, and others unknown to the
11 Grand Jury, did knowingly and willfully combine, conspire, and agree to commit an
12 offense against the United States, that is, to knowingly, and with intent to defraud, use
13 one or more unauthorized credit card access devices, in and affecting interstate
14 commerce, and by such conduct to obtain money, goods, and services of a value in excess
15 of \$1,000 during a one-year period, in violation of Title 18, United States Code, Section
16 1029(a)(2) and Section 2.

17 **Overt Acts**

18 In furtherance of the conspiracy, and to accomplish the object of the conspiracy,
19 defendants ABEL NGOZICHUKWU NNABUE and TOBECHI ENYINNAYA
20 ONWUHARA committed or caused to be committed one or more of the following overt
21 acts:

22 2. On or about a date unknown, but not later than on or about December 12,
23 2002, defendants ABEL NGOZICHUKWU NNABUE and TOBECHI ENYINNAYA
24 ONWUHARA received and obtained lists containing over 50 names and associated
25 addresses, dates of birth, telephone numbers and social security numbers, for the purpose
26 of obtaining and using unauthorized credit cards and counterfeit driver's licenses in some
27 or all of those names.
28

1 ENYINNAYA ONWUHARA knowingly, and with the intent to defraud, attempted to
2 use, and aided and abetted the attempted use of, an unauthorized access device, to wit, a
3 Discover credit card in the name of Robert Palmer, in and affecting interstate commerce,
4 and by such conduct attempted to obtain money, goods, and services, in an amount
5 exceeding \$1000 within a one year period.

6 All in violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1) and
7 Section 2.

8 **COUNT FOUR**

9 (Possession With Intent To Use Unlawfully Five Or More Identification Documents)

10 On or about December 12, 2002, at Lynnwood, within the Western District of
11 Washington, defendant TOBECHI ENYINNAYA ONWUHARA did knowingly possess,
12 in and affecting interstate commerce, with intent to use unlawfully, five or more
13 identification documents (other than those issued lawfully for the use of defendant
14 TOBECHI ENYINNAYA ONWUHARA) and false identification documents, that is,
15 counterfeit Texas driver's licenses in the names of Robert Charles Palmer, James Alex
16 Weaver, Roger Rickey Reynolds, and Thomas Michael Crowley, an Oklahoma driver's
17 license issued in the name of Xavier Charles Alexander but bearing the photograph of

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 defendant TOBECHI ENYINNAYA ONWUHARA, and a social security card and
2 certificate of birth in the name of Xavier Charles Alexander.

3 All in violation of Title 18, United States Code, Section 1028(a)(3).

4 A TRUE BILL:

5 DATED: 09 Jan 2003

6
7 
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FOREPERSON

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
JOHN McKAY
United States Attorney

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUSAN M. HARRISON
Assistant United States Attorney

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAWRENCE LINCOLN
Assistant United States Attorney